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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

10 JOSHUA KUVAAS, )  
11 Plaintiff, ) 2:09-cv-01033-PMP-LRL  
12 vs. )  
13 CORRECTIONAL MEDICAL )  
14 SERVICES, *et al.*, ) **ORDER**  
15 Defendants. ) /

17 On August 6, 2009, the state attorney general filed a notice of non-acceptance of service  
18 as to the defendant Correctional Medical Services (docket #4). Plaintiff has failed to file a motion  
19 pursuant to Rule 4(m) of the Federal Rules of Civil Procedure identifying the unserved defendant and  
20 requesting issuance of summons, or taken any action whatsoever. Accordingly, this action is dismissed  
21 without prejudice for failure to prosecute. If plaintiff wishes to pursue his claims, he shall file a new  
22 action with a new application to proceed *in forma pauperis* and a new case number.

23 IT IS THEREFORE ORDERED that this action is DISMISSED without prejudice.

1           **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly  
2 and close this case.  
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5           DATED this 18<sup>th</sup> day of March, 2011.

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UNITED STATES DISTRICT JUDGE